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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/674,206

09/29/2003

Mathilde Benveniste

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05/29/2009

CHAPIN INTELLECTUAL PROPERTY LAW, LLC  
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EXAMINER

NGUYEN, BRIAN D

ART UNIT

PAPER NUMBER

2416

MAIL DATE

DELIVERY MODE

05/29/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/674,206	<b>Applicant(s)</b> BENVENISTE, MATHILDE	
	<b>Examiner</b> BRIAN D. NGUYEN	<b>Art Unit</b> 2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Specification***

1. The applicant is requested to provide serial numbers for related applications mentioned on pages 1 and 7.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Method claims 1-20 are not tied to a particular apparatus.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 5, 6, 10, 11, 15, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yew et al (2003/0108059) in view of Cudak et al (6,058,106).

Regarding claim 1, Yew discloses a method comprising: populating a first field (424 in figure 20B) of a traffic specification with a function of a temporal period (minimum polling interval), wherein the temporal period is for a plurality of expected future transmissions and

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transmitting a polling request with the traffic specification (paragraph 0010). Yew does not specifically disclose a temporal offset and populating a second field (425 in figure 20B) of the traffic specification with the value of the first field. However, Cudak discloses a temporal offset (frame offset) (see col. 37, lines 5-8) and populating the second field (425 maximum polling interval) with the value of the first field (424 minimum polling interval) is obvious because the maximum polling interval as disclosed by Yew can be greater than or equal to the minimum polling interval. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a temporal offset as taught by Cudak and populate the second field with the same value as the first field in order to meet the design criteria of a particular implementation.

Regarding claims 5 and 10, Yew discloses generating a frame; receiving a poll; and transmitting the frame in response to the poll (paragraph 0085).

Regarding claim 6, claim 6 has substantially the same limitation as claim 1 except that the first and second fields are populated with at least one of the temporal period and the temporal offset. The value of the second field can be equal to the value of the first field. Therefore, claim 6 is rejected for the same reason as claim 1.

Regarding claims 11 and 15, claims 11 and 15 are reverse process of claims 1 and 6, respectively. Therefore, they are subject to the same rejection.

Regarding claims 19 and 20, Yew discloses establishing a polling schedule and transmitting a poll to the sender of the polling request in accordance with the polling schedule (paragraph 0085).

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6. Claims 2-4, 7-8, 12-14, and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yew in view of Cudak as applied to claims 1, 6, 11, and 15 above above, and further in view of He et al (2004/0105412).

Regarding claims 2, 4, 7, 12, 14, and 16, Yew discloses the system is a wireless system but does not specifically disclose the polling is performed on an IEEE 802.11 wireless system. However, He discloses polling in IEEE 802.11 (paragraph 0006). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use IEEE 802.11 standard as taught by He in the system of Yew in order to meet the design criteria of a particular implementation.

Regarding claims 3, 8, 13, and 17 Yew discloses the first field is a Minimum Service Interval field and the second field is a Maximum Service Interval field (see fields 424 and 425 in figure 20B).

#### ***Allowable Subject Matter***

7. Claims 9 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN D. NGUYEN whose telephone number is (571)272-3084. The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

5/26/09

/Brian D Nguyen/

Primary Examiner, Art Unit 2416